IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE DR JUSTICE G.YETHIRAJULU**

**WRIT PETITION NO : 17424 of 2004**

Between:

1.Sri Kapotheswara Swamy Devasthanam rep. by the Chairman

of the Board of Trustees, Kadali (V), Rajole Mandal,

East Godavri District.
2.Rudra Paka Prasadarao Sarma S/o.Satya Seshavatharam,
aged about 48 years, Archaka, Sri Kapotheswara Swamy

Devasthanam, Kadali, Rajole Mandal,
East Godavari District.

**..... PETITIONERS**

AND

1.The Commissioner for Endowments, Government of Andhra

Pradesh,Boggulakunta, Tilak Road, Hyderabad.
2.The Deputy Commissioner, Endowments Department,

Kakinada, East Godavari District.
3.The Executive Officer, Sri Kapotheswara Swamy Devasthanam,
Kadali, Rajole Mandal, East Godavari District.
4.Undi Subba Rao S/o.Narasimha Murthy, aged about 68 years,
Archaka, Sri Kapotheswara Swamy Devasthanam, Kadali,

Rajole Mandal, East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction in the nature of Writ of Mandamus, declaring the action of the 2nd respondent passed in orders in Rc. No.A1/5101/04, dated 23.3.2004 and its action in not considering the vacate petition filed by the 1st petitioner seeking vacation of the said orders and dismissal of the appeal filed by the 4th respondent as arbitrary, illegal, violative of the Fundamental Rights guaranteed to the petitioners under the Constitution of India and set aside the orders of the 2nd respondent passed in Rc.No.A1/5101/04, dated 23.3.2004.

**Counsel for the Petitioners: MR.S.SRI RAM REDDY**

**Counsel for the Respondent Nos.1&2: GP FOR ENDOWMENTS**
**Counsel for the Respondent No.3: Smt. N.INDRANI**
**Counsel for the Respondent No.4: -----**
**The Court at the stage of admission made the following :**

**THE HONOURABLE DR.JUSTICE G.YETHIRAJULU**

**Writ Petition No. 17424 of 2004**

**ORDER:**

The first petitioner is the Temple and the second petitioner is the Archaka of the first petitioner-Temple. The second respondent passed an order on 23.03.2004 granting the order of status-quo regarding the continuation of the fourth respondent as Archaka in the first petitioner-Temple, when the fourth respondent preferred an appeal against the order of the first petitioner dated 10.02.2004 retiring him from service with effect from 31.03.2004 on attaining the age of superannuation. When the fourth respondent preferred an appeal before the second respondent, the second respondent passed an order on 23.03.2004 directing to maintain status-quo regarding the continuation of the fourth respondent as Archaka of the first petitioner-Temple. The petitioners filed a vacate stay petition on 28.06.2004 before the second respondent and it is pending.

2. The grievance of the petitioners is that the second respondent is not taking up the vacate stay petition for hearing and he is not disposing of the said application, therefore, they approached this Court through this writ petition, seeking a direction to the second respondent to dispose of the vacate petition filed by the petitioners against the orders of the second respondent dated 23.03.2004.

3. Having regard to the facts and circumstances explained by the petitioners, the second respondent is directed to take-up the vacate stay petition filed on 28.06.2004 by the petitioners, hear both the parties and pass appropriate orders within eight weeks from the date of receipt of a copy of this Order, according to the provisions of the Act and the rules.

4. The Writ Petition is accordingly disposed of. No order as to costs.

_____

**Dr.G.YETHIRAJULU, J**

**Date:29th September, 2004.**

Cs

NOTE:

Issue C.C. in two days.

B/O

CS

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Commissioner for Endowments, Government of Andhra Pradesh, Boggulakunta, Tilak Road, Hyderabad.

2.The Deputy Commissioner, Endowments Department, Kakinada, East Godavari District.

3.The Executive Officer, Sri Kapotheswara Swamy Devasthanam, Kadali, Rajole Mandal, East Godavari District.

4.Two C.Cs. to the Government Pleader for Endowments, High Court Buildings, Hyderabad. (O.U.T.)

5.Two C.D. copies.